

**CITY OF LEWISTON**  
**PLANNING BOARD MEETING**  
**MINUTES for October 23, 2006 – Page 1 of 4**

**I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:30 p.m., and was chaired first by Stephen Morgan (Item IV. A.) and then Jeffrey Gosselin for the remainder of the agenda items.

- **Members in Attendance:** Jeffrey Gosselin, Tom Truchon, Jim Horn, Stephen Morgan, Roger Philippon, and Jonathan Earle. **Absent:** John Racine.

- **Associate Members Present:** Ron Chartier. **Associate Members Absent:** Tom Peters.

- **Staff Present:** David Hediger, City Planner and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

**II. ADJUSTMENTS TO THE AGENDA:** None.

**III. CORRESPONDENCE:** None.

*Jeffrey Gosselin recused himself from the Board, due to a conflict, and Stephen Morgan was appointed to chair Item IV. Hearings, Sub-Item A.*

**IV. HEARINGS:**

A. *A petition to rezone the property at 417 Montello Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District in accordance with Article XVII, Section 5 of the Zoning and Land Use Code of the City of Lewiston. Specifically, the petitioner is requesting the above referenced zoning change in an effort to further develop the real estate at 802 Sabattus Street, owed by Stephen Roop, with commercial businesses, as permitted in the HB District.*

The reading of the Staff Memorandum dated October 19, 2006 was waived.

This petition is a request to rezone the property at 417 Montello Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District in order for the petitioner to further develop his properties with commercial uses. The property is 12,414 square feet and contains a single-family dwelling and a garage. The abutting property at 794 Sabattus Street is a retail use and 802 Sabattus Street is an old grange hall currently used by Roopers for cold storage.

On Monday, October 16, 2006, Staff held a neighborhood meeting on the proposed rezoning. There were five (5) residents who attended and voiced concerns over additional traffic on Montello Street and what the use of the site would be.

This rezoning is consistent with the comprehensive plan and planning staff is in support of the petitioner's request in that it increases the depths of the City's commercial zoning districts effort to attract new development along existing commercial corridors.

Present at this meeting were *Stephen Roop*, owner of Roopers, and *Eric Dube*, Project Engineer.

This item was opened to the public for those in favor. There was none.

*Jim Horn arrived at 5:33 p.m.*

This item was then opened to the public for those in opposition, which were as follows.

*Gene Gregoire*, 411 Montello Street, commented that with this rezoning, it will put the Highway Business (HB) District right next to his home and he is not comfortable with that. He stated that he is against rezoning the entire property, but not totally against the rezoning. He would like to see a buffer along his property.

Other concerns related to this rezoning with abutting property owners included traffic, the safety of school children, and noise.

*Jeannine Vachon*, 415 Montello Street, expressed concerns about her driveway and commented that she will not be able to back up with additional traffic.

**Lilianne Bourque**, 6 Thorne Avenue, expressed concerns with people using her driveway as a turnaround. She was also expressed concerns with the additional traffic associated with this rezoning.

**Doris Hould**, 8 Thorne Avenue, stated that she was concerned with the heavy traffic and that it will cause more accidents.

Steve Roop referenced the neighborhood meeting and the concerns listed above. He said the only concern at this meeting pertains to Gene Gregoire at this time. Steve Roop explained that he had met with Kevin Peacheco regarding a proposed Dunkin' Donuts.

David Hediger stated that Planning Staff have conducted workshops to discuss zoning and land use updates. They are trying to rezone to get commercial developments to work and maybe add additional provisions to the ordinance for rezoning. Eric Dube spoke about front and side setbacks. The consensus of staff and the petitioners was to rezone the entire property.

The public portion of this hearing was closed and brought back to the Planning Board. Ron Chartier asked for clarification of how much of the land will be used. Steve Roop commented that the proposed Dunkin' Donuts building will be smaller than the existing grange hall and it will be a one-story building.

Gene Gregoire requested to have this item tabled. He commented that none of his issues are resolved. He would like to sit down with Steve Roop. Steve Roop asked the Planning Board what he needs to do to make this work.

David Hediger stated that this is a straight rezoning, not a conditional. A conditional rezoning may have conditions for buffers. Staff supports this rezoning.

The following motions were made.

**MOTION:** by **Roger Philippon** that the Planning Board recommends to the City Council to rezone 417 Montello Street from the Neighborhood Conservation "A" (NCA) to Highway Business (HB).

This motion failed, since there was no second and no vote was taken. The following second motion was made.

**MOTION:** by **Roger Philippon**, second by **Ron Chartier** to table the recommendation to the City Council on the rezoning of 417 Montello Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District to the next regularly scheduled Planning Board Meeting on November 13, 2006.

**VOTED:** 4-2 (Jim Horn/Steve Morgan Opposed).

David Hediger mentioned that there is no need to re-notify the abutting property owners. Therefore, no notice will be mailed out for the next meeting.

**Jeffrey Gosselin rejoined the Board and Chaired the remainder of the agenda items.**

**B.** A petition filed by the Land Tree Corporation to amend Article XIII, Section 4(s) of the Zoning and Land Use Code by exempting certain projects in the Neighborhood Conservation "A" (NCA) Zoning District from setting aside open space or recreational landing areas when such developments involve fewer than thirty (30) new, single-family, detached dwelling units on lots at least fifty percent (50%) larger than that District's minimum lot size.

David Hediger summarized this portion of his Staff Memorandum dated October 19, 2006.

The request is to table this item in order to allow Staff and the applicant to work on an amendment to Article XIII, Section 4(s) of the Zoning and Land Use Code and to reschedule this item for the Planning Board Meeting to be held on Monday, November 27, 2006

The following motion was made.

**MOTION:** by **Roger Philippon**, second by **Ron Chartier** that the Planning Board table this request by the applicant, Land Tree Corporation, to amend Article XIII, Section 4(s) of the Zoning and Land Use Code to the Planning Board Meeting scheduled for November 27, 2006 in order for Staff and the applicant, to work on an amendment.

**VOTED:** 7-0 (Passed).

V. **OTHER BUSINESS:** *Out of sequence to the agenda, Sub-Item B. was heard first, since the applicants were present at this meeting.*

B. *A request for a “de minimus” change to the Water’s Edge Subdivision regarding building envelopes and septic system locations.* David Hediger summarized this portion of his Staff Memorandum dated October 19, 2006. This subdivision limits development activity to specific building envelopes on the lots for purposes of limiting phosphorus runoff into No Name Pond.

Claude and Brenda Fontaine have purchased a vacant lot at 52 Water’s Edge Drive, Lot #20. The most appropriate location for the Fontaine’s septic system is outside the building envelope. According to Note 11(a) on revision three approved in April 2002, it states that only water supply wells may be located outside of the building envelopes provided that clearing and soil disturbance are minimized. The Fontaine’s have acquired the services of professional engineer, Leo Larochelle, who was involved in the original design and approval of this subdivision. According to Leo Larochelle’s correspondence dated October 4, 2006, it appears that sewage disposal systems, in addition to water supply wells, may be located outside of the building envelopes provided that clearing and soil disturbance are minimized. This revision is requested to be treated as a “de minimus” change.

Both **Claude** and **Brenda Fontaine** were present at this meeting. David Hediger said that the Fontaine’s need to submit a fully revised subdivision plan. Note 11(a) needs to include the septic system language. David Hediger also stated that there is a need to update the people on the revisions made to this subdivision. A mailing will need to be done after this “de minimus” change.

The following motion was made.

**MOTION:** *by Tom Truchon, second by Ron Chartier that the Planning Board consider a revision to the Water’s Edge Subdivision Plan in allowing water supply wells and sewage disposal systems to be located outside of the building envelopes provided that clearing and soil disturbance are minimized as a “de minimus” change.*

**VOTED:** 7-0 (Passed).

A. *A request of the Planning Board to initiate an amendment to the Zoning and Land Use Code regarding public and private street standards and the stormwater regulations.* David Hediger summarized this portion of his Staff Memorandum dated October 19, 2006.

Public Services, Planning and Code Enforcement, and the City Attorney have been creating a policy manual for the design and construction of street and sidewalks, however before adoption of this item, numerous amendments must be made to the Zoning and Land Use Code. Staff have been preparing amendments to make the ordinance consistent with the states new DEP stormwater regulations.

David Hediger said that both he and Chris Branch started working on this item four (4) years ago. There will be a lot of definition changes, etc. He also commented that the City of Lewiston lost their delegated review to stormwater standards last November 2005. The ordinance still makes reference to the old standards. There is talk of making both private and public streets the same. Jeff Gosselin said separate motions will be needed for the street and stormwater standards.

The following motion was made.

**MOTION:** *by Tom Truchon, second by Ron Chartier that the Planning Board initiate for Staff to prepare an amendment to Article II, Section 2, Article XI, Section 20, Article XII, Sections 2, 18, and 21, and Article XIII, Development Review Standards, et. seq. regarding public and private street standards and the stormwater regulations.*

**VOTED:** 7-0 (Passed).

C. *Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.* It was mentioned that both Jeff Gosselin and Tom Truchon’s terms are expiring at the end of this year. David Hediger asked the Board if they knew of anyone interested in becoming a Planning Board Member and said that they would need to go to the City Clerks office for an application.

John Racine's status was questioned. He is Vice Chair of this Board. David Hediger will contact John Racine, since it has been some time since he has attended a meeting.

**VI. OLD BUSINESS: *Policy and procedures regarding project amendments and associate members.*** David Hediger did not have any update.

**VII. READING OF THE MINUTES: *Draft Meeting Minutes for September 11, 2006.*** The following motion was made:

**MOTION:** *by Stephen Morgan, second by Tom Truchon that the Planning Board accept the Planning Board Minutes dated September 11, 2006, as submitted.*

**VOTED:** *5-2 (Horn/Philippon Absent from Meeting) (Passed).*

**VIII. ADJOURNMENT:** This meeting adjourned at 6:53 p.m. There was no motion or vote taken.

Respectfully submitted,

Steven Morgan, Planning Board Secretary

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